

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 24, 2006  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 2:03 p.m. Council President Peters convened the regular meeting simultaneously with the Redevelopment Agency at 2:10 p.m. with all Council Members present. Council President Peters reconvened the regular meeting at 2:30 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:34 p.m. for the purpose of a break. Council President Pro Tem Young reconvened the meeting at 3:01 p.m. with Council President Peters ineligible and Council Member Maienschein not present. The meeting was adjourned by Council President Pro Tem Young at 4:52 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present
- Clerk-Maland (gs)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Liz Maland.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Reinhold Metzger, et al. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 831229**

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 25, 2006

DCA assigned: D. Brodie

This matter involves an inverse condemnation case resulting from the overflowing of the Oak Park Drainage Channel. The City Attorney request that the City Council consider a possible settlement of the case in closed session.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 2:30 p.m. – 2:30 p.m.)

Council President Peters closed the hearing.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):**

**CS-2   Mercado Project DDA, Exercise of Right of Reverter  
and Potential Litigation**

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 25, 2006

DCA assigned: C. Leone

This matter concerns the real property conveyed to Mercado Alliance by the Redevelopment Agency pursuant to that certain Grant Deed in accordance with the Disposition and Development Agreement [DDA] entered into between the Redevelopment Agency and Mercado Alliance, LLC. Mercado Alliance has failed to commence and/or has abandoned construction of the improvements as required by the Grant Deed and in accordance with the DDA. In closed session, the Agency General Counsel will brief the Agency on all available legal and equitable remedies, including the right of reverter as set forth in the Grant Deed, and seek direction from the Council.

CLOSED SESSION COMMENT 1:

Richard Ybarra, Gary London, and Antonio Pizano commented on the two entities that have invested and successfully built significant projects in the 8<sup>th</sup> District.

**CLOSED SESSION COMMENT 2:**

Mike Najera commented on the economic impact to the local community.

**CLOSED SESSION COMMENT 3:**

Arnulfo Manriquez commented on the affordable housing this particular project brings.

**FILE LOCATION:**                      **AGENDA**

**COUNCIL ACTION:**                      (Time duration: 2:10 p.m. – 2:30 p.m.)

Council President Peters closed the hearing.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-3 Agency Negotiators:**                      Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Val VanDeweghe, Jessica Falk Michelli, and William Gersten

**Employee Organizations:**                      Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association

**REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 25, 2006**

DCA assigned: J. Falk Michelli

Discuss with Council the labor contract negotiations with the Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney Association regarding new labor agreements.

**CLOSED SESSION COMMENT 1:**

Hud Collins commented on calling an immediate summit with the five unions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:30 p.m. – 2:33 p.m.)

Council President Peters closed the hearing.



ITEM-200: Two actions related to Tobacco Settlement Revenue Securitization.

(See Independent Budget Analyst Report IBA-06-15 and Report to the City Council No. 06-033.)

(Continued from the meeting of April 4, 2006, Item 335, at the request of Mayor Sanders, for further review.)

**STAFF'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2006- ) INTRODUCED, TO BE ADOPTED ON MONDAY,  
MAY 8, 2006, WITH DIRECTION

Introduction of an Ordinance approving an ordinance (a) approving the form and authorizing the execution and delivery of the Sale Agreement between the City of San Diego (the "City") and the Corporation; (b) approving and acknowledging the form of the Declaration and Agreement of Trust between the Corporation and a Delaware Trustee to be named therein; (c) approving and acknowledging the form of the Indenture between the Corporation and an Indenture Trustee to be named therein; (d) approving and acknowledging the form of the Bond Purchase Contract between the Corporation and Citigroup Global Markets Inc.; (e) approving and acknowledging the form of the Continuing Disclosure Undertaking of the Corporation; (f) approving and acknowledging the form of the Preliminary Offering Circular; (g) approving a Final Offering Circular; and (h) authorizing, acknowledging and approving certain other documents and actions as may be necessary to complete the securitization transaction.

**NOTE:** 6 votes required.

Subitem-B: (R-2006- ) ADOPTED AS RESOLUTION R-301378

Approving the financing plan as outlined in this report to leverage approximately \$10.1 million in annual employee retirement pick-up savings by depositing the City's anticipated tobacco settlement revenues for CY 2006 into the Pension System and securitizing an equivalent amount of the City's tobacco settlement revenues, starting with the anticipated receipts for CY 2007, to generate up to \$100 million for the Pension System;

Adopting a resolution to establish a nonprofit public benefit corporation (described as a Special Purpose Entity in previous reports), the City of San Diego Tobacco Settlement Revenue Funding Corporation (the "Corporation"), with a governing body (the "Board of Directors") consisting of the City's Chief Financial Officer, the City's Chief Operating Officer, and an Independent Director (Merlyn Brown), and approving certain actions in connection therewith in order to facilitate the securitization transaction.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**STAFF SUPPORTING INFORMATION:**

The City will securitize a pledge of a fixed amount of up to \$10.1 million (equal to the City's CY 2005 TSR receipts) in annual future TSR receipts and use the up front proceeds (after paying the financing costs and funding a debt service reserve fund) in conjunction with a contribution of TSRs to be received in CY 2006 to reduce the City's outstanding pension fund liability. The City will sell the right to receive the TSRs to a nonprofit public benefit corporation, the City of San Diego Tobacco Settlement Revenue Funding Corporation (the "Corporation"), in exchange for an up front payment. The Corporation will issue bonds to generate the up front payment to the City, dedicating the pledged TSRs to the corresponding debt service for these bonds. The Corporation will receive the gross proceeds from the investors from the sale of the bonds and will forward the net proceeds (after paying for the up front financing costs, finding a debt service reserve fund and capitalizing the first interest payment) to the City to complete the transaction.

Concurrently with the securitization, as mentioned above, the City will also transfer the TSRs received in CY 2006 to the Pension System to ensure that the total contribution to the Pension System from the current and future TSRs will be \$100 million. It is expected that the April 2006 payment will be approximately \$10.3 million and therefore the bond issue will be targeted to produce approximately \$90 million in net proceeds for transfer to the pension system. This transfer of \$100 million is above and beyond the City's annual Employer Contribution requirement (Annual Required Contribution) for FY 2007. In the event that the City's April 2006

TSRs are lower than the projected \$10.3 million, then the amount of bonds to be issued under the financing plan will be increased proportionately so that the total contribution to the Pension System is \$100 million. For securitization sizing purposes, the cash contribution portion toward the pension funding from CY 2006 TSR payment was assumed to be \$8.5 million (figure conservatively assumes possible adjustment to the CY 2006 TSRs received).

Due to the proposed use of the proceeds to fund the Pension System, taxable bonds will be issued and, based on market conditions as of the week of March 6, 2006, a total bond size of approximately \$107.8 million is anticipated to produce net proceeds of \$91.5 million. The proposed bonds are expected to have a final maturity of CY 2024 (19 years). Although the financing plan estimates a final maturity of the tobacco bonds, the revenue will be pledged until the bonds are fully paid. Unanticipated actions delaying or suspending the MSA payments may cause the anticipated final maturity of the bonds to be extended.

**FISCAL CONSIDERATIONS:**

Any loss of the Tobacco Settlement Revenues (TSRs) to the General Fund from securitizing the revenue stream will be substituted by an equal amount of the annual employee offset savings achieved during the most recent labor negotiations. To eliminate adverse financial impacts on the General Fund from pledging up to \$10.1 million in TSRs, for the duration of the securitization term, it is expected and required that the pledged TSRs will be fully substituted by the employee offset savings achieved from the existing labor contracts and any future labor contracts. Lack of employee offset savings to backfill the TSR pledge in any year over the life of the financing will adversely affect General Fund ability to fund the programs listed above or meet other General Fund priorities.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On September 12, 2005, the City Manager presented City Manager Report No. 05-190 (CMR 05-190), entitled, "Options to Increase the Funded Ratio of the San Diego City Employees' Retirement System" to the City Council.

On February 6, 2006, the Chief Financial Officer presented Report to the City Council No. 06-012, entitled "Pension Solutions" to the City Council.

On March 29, 2006, the TSR securitization financing plan and TSR budgetary allocations summary were presented to the Budget and Finance committee.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None.



**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

No anticipated affected programs.

Granewich/Goldstone

Staff: Lakshmi Kommi - (619) 236-6928

**FILE LOCATION:**

SUBITEM-A: NONE

SUBITEM-B: MEET

**COUNCIL ACTION:**

(Time duration: 3:02 p.m. – 4:50 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A WITH DIRECTION TO: 1) COME BACK PRIOR TO THE SECOND READING WITH A MEMORANDUM TO THE CITY COUNCIL WHICH GIVES CITATIONS OF LAW AS TO THE CITY ATTORNEYS' OPINIONS ON HOW THE CITY WOULD IN FACT BE PROTECTED OR NOT BE PROTECTED, AND CAN INCORPORATE THE OPINIONS OF OTHERS IN THAT RESPONSE; 2) PROVIDE A COPY OF THE FULLY EXECUTED DOCUMENTS TO THE FULL COUNCIL AFTER THE TRANSACTION OCCURS AND THE DOCUMENTS GET FILED IN THE OFFICE OF THE CITY CLERK; AND 3) ADOPT THE RESOLUTION IN SUBITEM B. Second by Hueso. Passed by the following vote: Peters-ineligible, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



**ITEM-201:** Appropriation of Funding for Storm Water Pollution Prevention Division.

(See Independent Budget Analyst Report No. 06-16 and City Manager Report CMR-05-202.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-118)                      INTRODUCED AND ADOPTED AS AMENDED AS  
ORDINANCE O-19483 (NEW SERIES)

Introduction of an Ordinance amending Ordinance No. O-19396 entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 2005-2006 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year," by increasing the appropriation in the General Fund, Dept. 533, Storm Water Pollution Prevention Division by \$1,100,000 by re-allocating the Sales Tax Allocation scheduled for Streets Division Fund 10440, to the General Fund for use by the Storm Water Pollution Prevention Division; recognizing carryover of \$1,100,000 in the FY 2005 Streets Division Fund be appropriated to the FY 2006 Streets Division Operating Fund 10440 budget; increasing appropriations in the General Fund, Department 533, Storm Water Pollution Prevention Division by \$400,000 using the un-appropriated reserves in the General Fund; authorizing to expend \$1,500,000 from the Storm Water Pollution Prevention Division General Fund 100, Dept. 533, for as-needed professional consultant services and project related costs to perform investigations.

**STAFF SUPPORTING INFORMATION:**

On October 10, 2005, the City Council adopted Resolutions R-300905 and R-300928 concerning, respectively, an as-needed consultant contract for the Storm Water Pollution Prevention Division and a Report on the City's Financial Status, Budget, and "Immediate Spending Needs", including those of the Division. The "Immediate Spending Needs" specifically identified in the City Manager's Report No. 05-202, dated October 6, 2005, included the Storm Water Pollution Prevention Division hiring as-needed consultant services to perform investigations as required by the Regional Water Quality Control Board and to fund three areas: the Chollas Creek Total Maximum Daily Loads (TMDL), Areas of Special Biological Significance - La Jolla (ASBS), and a Cleanup and Abatement Order (CAO) which may potentially cause significant costs or fines should the City fail to address the issues within these areas and in a timely manner.

Subsequently, Auditor's Certificate Numbers 2600411 (\$1.1 M), 2600612 (\$250k), 2600613 (\$75k), and 2600622 (\$75k) (with corresponding Purchase Order Numbers 5084179 (\$550,238), 5084777 (\$542,497), 5084803 (\$7,265), 5084715 (\$250,000), 5084793 (\$75,000), and 5084795

(\$75,000) were issued for an overall total amount of \$1,500,000. Based on the Auditor's Certificate and the approved Purchase Orders, the Division issued two Notices to Proceed in order to have a consultant investigate sources of contaminated urban runoff as required by the San Diego Regional Water Quality Control Board.

Later, however, it was discovered that the above-referenced City Council actions did not authorize appropriation of the funds, therefore the Purchase Orders issued could not be honored. As a result, the entirety of the Division's unencumbered budget has been made unavailable until the \$1,500,000 is formally appropriated and, currently, the Division is not permitted to pay any outstanding invoices. This action would formally appropriate the funds previously considered and will facilitate payments of all outstanding obligations to the Division's contractors (MWH Americas, Inc. and Weston Solutions, Inc.), including payment to the consultant for completed and to-be-completed storm water investigations as authorized by the above-referenced Notices to Proceed and as required by the City's Storm Water permit. Sufficient funds of \$1.1 million exist in the Street Division Fund 10440 - carryover fund balance to cover the Sales Tax Revenue not received and the funds of \$400k exist in unappropriated reserves in the General Fund.

**FISCAL CONSIDERATIONS:**

The proposed action would appropriate \$1,500,000 for use by the Storm Water Pollution Prevention Division from re-allocation of Sales Tax and unappropriated reserves in the General Fund. The availability of funds has been identified and documented by Auditor's Certificate Numbers 2600411, 2600612, 2600613, and 2600622.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Items 116 (R-300905) and 202 (R-300928) from the October 10, 2005, City Council meeting.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Failure to appropriate the funds will lead to late charges and failure to comply with the City's Storm Water permit. In addition, Weston Solutions, Inc. and MWH Americas, Inc. were awarded with the as-needed consulting contracts to perform the necessary work and their payments are being held until this action is complete.

Tulloch/Haas

Aud. Cert. 2600738.

Staff: Chris Zirkle - (619) 525-8644  
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:09 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO INCREASE THE GENERAL FUND APPROPRIATION BY \$1,500,000 TO FUND THE REQUIRED STORM WATER EXPENDITURES AND THAT THE ENTIRE \$1,500,000 IS FUNDED OUT OF THE UN-APPROPRIATED RESERVES. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-202: Levanto.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Site Development Permit, Planned Development Permit, Tentative Map with Easement Vacations and Rezone from CV-1-1 to RM-2-4, Parking Impact Overlay, and inclusion in the Residential Tandem Parking Overlay Zones. The project would consist of the demolition of an existing 96 room motel with a 7,000 square foot restaurant, and the construction of 100 residential condominium units with amenities on a 5.672 acre site at 4545 Waring Road within the Navajo Community Plan Area.

(Project No. 51049. MND/MMRP/CPA-PG&GP Amendment No. 154627/RZ No. 147058/SDP No. 147056/PDP No. 297522/TM No. 147057/Easement Vacation No. 310703. Navajo Community Plan Area. District 7.)

(Continued from the meeting of April 3, 2006, Item 204, at the request of the applicant for further review.)

**NOTE:** Hearing open. No public testimony taken on April 3, 2006.

**STAFF'S RECOMMENDATION:**

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2006-774) CONTINUED TO MONDAY, MAY 22, 2006

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 51049, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a tentative map, site development permit for environmentally sensitive lands, planned development permit, community plan amendment and rezone for the Levanto project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-775) CONTINUED TO MONDAY, MAY 22, 2006

Adoption of a Resolution amending the Navajo Community Plan, a copy of which is on file in the Office of the City Clerk;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-103) CONTINUED TO MONDAY, MAY 22, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing a 5.67 acres site, located at 4545 Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the CV-1-1 Zone (formerly known as the CR Zone), into the RM-2-4 Zone and the Residential Tandem Parking Overlay Zone, as defined by San Diego Municipal Code Sections 131.0406 and 132.0901, and repealing Ordinance No. O-11582 (New Series), adopted May 8, 1975, Ordinance No. O-9632 (New Series), adopted May 25, 1967, and Ordinance No. O-9794 (New Series) adopted April 11, 1968, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2006-776) CONTINUED TO MONDAY, MAY 22, 2006

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Site Development Permit No. 147056/Planned Development Permit No. 297522;

Granting Site Development Permit No. 147056/Planned Development Permit No. 297522 to William Lyon Homes, Inc., and Good Nite Inn San Diego, Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2006-777) CONTINUED TO MONDAY, MAY 22, 2006

Adoption of a Resolution certifying findings with respect to Tentative Map No. 147057 and Easement Vacation No. 310703, supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code Section 66499 and Section 66343, the easements granted to the City of San Diego per Book 2430, recorded June 18, 1947, Book 7325, Recorded October 29, 1958, Easements on Map 6287 and 5995 located within the project boundaries as shown on Tentative Map No. 147057 with Easement Vacation No. 310703, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Tentative Map No. 147057 and Easement Vacation No. 310703 is granted to William Lyon Homes, Inc. and Good Nite Inn San Diego, Applicant/Subdivider, and Lundstrom and Associates, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 16, 2006, voted 6-1-0 to recommend approval of the project with the direction to look at creative ways to provide affordable housing on site.

The applicant has agreed to pay the in-lieu fee for affordable housing at the time of building permit issuance. The fee is anticipated to rise to approximately \$8.50 per square foot of living space on July 1, 2006; no opposition.

Ayes: Ontai, Steele, Schultz, Garcia, Griswold, Otsuji  
Nays: Chase

The Navajo Community Planners, on May 16, 2005, voted 14-2-1 to recommend approval of the project with no conditions.

**STAFF SUPPORTING INFORMATION:**

The subject project would demolish existing structures and construct a 100-unit residential condominium complex on an approximately 5.672 acre site located at 4545 Waring Road in the Navajo Community Plan Area. This site is located on the southern border with the College Community and is in the Grantville Redevelopment Project area. The site is currently developed with a 33,471 square foot motel and restaurant, built in 1969. Access to the subject property is from Adobe Falls Road.

To the south of the project site is a concrete-lined drainage channel (Alvarado Creek) with disturbed vegetation along its south-facing slope. Currently the southeastern edge of the site is located in the identified 100-year flood plain. A project component would grade the entire site to raise the elevation of the southeastern portion two feet above the 100-year floodplain level.

The development would include deviations to development regulations for setbacks, retaining wall height, encroachments into required yards and building height. None of these deviations have been determined to have significant impacts per the California Environmental Quality Act. A Mitigated Negative Declaration was prepared for this project and identified the potential for noise impacts which will be mitigated through the submittal of an acoustical study and noise attenuation barriers for balconies facing Interstate 8 and Waring Road.

**FISCAL CONSIDERATIONS:**

None with this action. The costs associated with the processing of this project are covered by the applicant. The project includes the vacation of existing sewer and general easements and the granting of new easements to accommodate relocated public utilities. The easements being vacated were granted at no cost to the City.

**KEY STAKEHOLDERS:**

William Lyon Homes, Inc.; Law Offices of Cindy Eldred

Halbert/Halbert/JT

**LEGAL DESCRIPTION:**

The proposed project site is a developed 5.7 acre site at 4545 Waring Road. The existing motel and restaurant would be demolished. The project is located within the Parking Impact Overlay, the Navajo Community Plan area, and Council District 7.

Staff: Jeannette Temple – (619) 557-7908  
Shannon Thomas – Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:04 p.m. – 2:04 p.m.)



MOTION BY MADAFFER TO CONTINUE TO MONDAY, MAY 22, 2006, FOR FURTHER REVIEW. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-203: Thorn Street Public Right-of-Way Vacation.

The project proposes the vacation of an unimproved portion of the Thorn Street right-of-way, within the Uptown Community Plan Area. The section of right-of-way proposed for vacation is 20 feet wide and 130 feet in length and is located just east of the intersection of Thorn Street and Falcon Street, west of Reynard Way, between the existing single-family structures at 3305 and 3275 Falcon Street. The area to be vacated has never been utilized as a street and would not provide a logical connection to any other street. Additionally, the section of the Thorn Street right-of-way located immediately east of the site has already been vacated due to the presence of steep slopes which prohibits street development. The portion of Thorn Street which is proposed to be vacated is impassable to vehicle traffic and does not provide access to any abutting properties or rights-of-way.

(Uptown Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-869) CONTINUED TO MONDAY, MAY 1, 2006

Adoption of a Resolution adopting the findings with respect to Public Right-of-Way Vacation Permit No. 45365;

That this activity is exempt from CEQA pursuant to Section 153059(c)(3) of the State CEQA Guidelines (Minor Alterations in Land Use Alterations).

**STAFF SUPPORTING INFORMATION:**

The project proposes the vacation of an unimproved portion of the Thorn Street right-of way, within the Uptown Community Plan Area. This Public right-of-way Vacation is being requested by the adjacent property owner at 3305 Falcon Street.

The right-of-way proposed for vacation is 20 feet wide and 130 feet in length and is located just east of the intersection of Thorn Street and Falcon Street, west of Reynard Way. This section of right-of-way is currently unimproved and is utilized as yard area for the two single-family residences that border this right-of-way. The remaining portion of the Thorn Street right-of-way located between the subject portion and Reynard Way was previously vacated in 1980, as the sloping topography of the area made development of this portion impractical.

Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated is no longer met. The area to be vacated has never been utilized as a street and would not provide a logical connection to any other street. Additionally, the section of the Thorn Street right-of-way located immediately east of the site has already been vacated due to the presence of steep slopes which prohibits street development. The portion of Thorn Street which is proposed to be vacated is impassable to vehicle traffic and does not provide access to any abutting properties of rights-of-way.

The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The portion of the street proposed to be vacated does not provide access to any of the abutting properties and the adjacent hillside makes it unlikely that the Street would be improved in the future to a degree that would facilitate vehicular access. The abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way and the ability to effect repairs to their property. The proposed vacation would not adversely affect the Uptown Plan and the proposed vacation would not affect existing access to properties.

**FISCAL IMPACT:**

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant.

Halbert/Waring/PG

Staff: Paul Godwin – (619) 446-5103  
David Miller - Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 2:05 p.m. – 2:05 p.m.)

MOTION BY FAULCONER TO CONTINUE TO MONDAY, MAY 1, 2006, FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



**ITEM-204:** Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2007.

(See Report to the City Council No. 06-034; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007. University Community Area. District 1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-881) ADOPTED AS RESOLUTION R-301379

Approving the document entitled North University City Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2007.

Subitem-B: (R-2006-882) ADOPTED AS RESOLUTION R-301380

Resolution of Intention to designate an area of benefit in North University City and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 03/29/2006, LU&H voted 4-0 to approve the Staff's recommendation. (Councilmembers Madaffer, Faulconer, Atkins & Hueso voted yea).

Staff: Jennifer Carroll – (619) 533-3673  
David Miller - Deputy City Attorney

FILE LOCATION: STRT-FB-1 (33)

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:06 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

**ITEM-250: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances

Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

**ITEM-251: Notice of Pending Final Map Approval – 4368 Georgia Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4368 Georgia Condominiums” (T.M. No. 150555/PTS No. 84984), located on the west side of Georgia Street between El Cajon Boulevard and Meade Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the

date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Pro Tem Young at 4:52 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:52 p.m.)